

Interview Summary	Application No. 09/661,271	Applicant(s) WARD ET AL.	
	Examiner Yogesh C. Garg	Art Unit 3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Yogesh C. Garg. (3) _____.

(2) Mr. Frank E. Morris. (4) _____.

Date of Interview: 20 September 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant's attorney Mr. Morris agreed for issuing an Examiner's Amendment amending claims 1 and 74 and canceling claims 4, 39-73, 77 and 109-111 to place the application in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

SEP 20 2006 14:56 FR MORGAN LEWIS

TO 15105#0613630003 P.01

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C O U N S E L O R S A T L A W

SEND TO

Name: Examiner Yogesh Garg Firm: USPTO
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FROM

Name: Frank E. Morris Floor:
Operator Sending: Telephone # 212.309.6632

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Date
Sent:

No of Pages: 2
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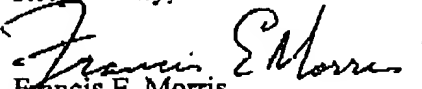
COMMENTS

Title: SYSTEM AND METHOD FOR ORIGINATING LOANS
U.S. Patent Application Serial No. 09/661,271

Dear Examiner Garg:

Attached please find the proposed amended claims 1 & 74 for the above-identified application. Please note that I have changed the last paragraph slightly to improve its sense. For example, the last paragraph of claim 1 now reads: "closing a loan when one of said bids for that loan is accepted by one of the borrowers or their representatives." I hope this meets with your approval. If you have any questions, please call.

Respectfully,


Francis E. Morris
Registration No. 24,615

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Date Sent:

Attorney: Frank E. Morris

ID: 15105

Time:

Client: Precept Corp.

Client/Matter Number: 061363-0003-US

(1) Fax No.: 571-273-6756

Receipt Confirmed:

Number of Pages: 2
(including cover page)

☐ Firm Charge
(check box if applicable)

[NY-11]

1. (Currently Amended) A method of facilitating a loan origination comprising:
 - ~~developing underwriting information relating to a potential loan, said~~
 - ~~underwriting information not constituting a loan approval;~~
 - ~~providing at least one prospective lender access to at least part of the underwriting~~
 - ~~information corresponding to the loan;~~
 - ~~providing the prospective lenders an opportunity in an auction to submit at least~~
 - ~~one bid; and~~
 - ~~providing an opportunity for consideration of the bid.~~
 - receiving from potential borrowers applications for loans to be secured by
 - properties,
 - creating a computer database for one or more potential loans, said database
 - including underwriting information for said loans, said underwriting information not constituting
 - a loan approval but including net cash flow information for the properties, property site
 - inspection information and credit information pertaining to the borrowers,
 - providing a plurality of prospective lending entities access via a communication
 - network to at least part of the underwriting information in said computer database,
 - receiving via a communication network bids from the plurality of prospective
 - lending entities in an auction for said loans using the underwriting information they accessed,
 - informing borrowers or their representatives of at least one of said bids for their
 - loans, and
 - closing a loan when one of said bids for that loan is accepted by one of the
 - borrowers or their representatives.

74. (Currently amended) A software program embodied in a computer-readable medium for processing financing requests, the software program configuring a computer to:

- receive from potential borrowers applications for loans to be secured by properties,
- receive underwriting information relating to a potential loan potential loans;
- store the underwriting information so that it is accessible to a plurality of prospective lenders;
- receive in an auction at least one bid from at least one of the prospective lenders;
- and
- store the at least one bid so that it is accessible by a potential borrower or his representative so as to allow consideration of the at least one bid.
- create a computer database for one or more potential loans, said database including underwriting information for said loans, said underwriting information not constituting a loan approval but including net cash flow information for the properties, property site inspection information and credit information pertaining to the borrowers,
- provide a plurality of prospective lending entities access via a communication network to at least part of the underwriting information in said computer database,
- receive via the communication network bids from the plurality of prospective lending entities in an auction for said loans using the underwriting information they accessed,
- inform borrowers or their representatives of at least one of said bids for their loans, and
- close a loan when one of said bids for that loan is accepted by one of the borrowers or their representatives.

SEP-18-2006 MON 01:13 PM MORGAN LEWIS

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P. 01

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SEND TO

Name: **Examiner Yogesh Garg** Firm: **USPTO**
FAX #: **571-273-6756** Telephone #:

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FROM

Name: **Frank E. Morris** Floor: **8**
Operator Sending: **Sherri Ballbach** Telephone # **650.843.7290**
FAX #: **650-843-4001** Date Sent: **9-18-2006** No of Pages: **12**
(including cover page)

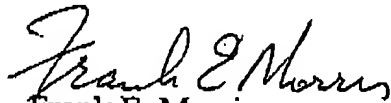
COMMENTS

Title: **System and Method for Originating Loans**
Re: **Serial No. 09/661,271**

Dear Examiner Garg:

Attached please find a proposed amendment to the claims of the above-identified application.

Respectfully,


Frank E. Morris
Reg. No. 24, 614

Express Mail No. EV **DRAFT** US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ward et al.	Confirmation No.:	8302
Serial No. 09/661,271	Art Unit:	3625
Filing Date: September 13, 2000	Examiner:	Jeffrey Smith
Title: SYSTEM AND METHOD FOR ORIGINATING LOANS	Attorney Docket No:	061363-0003-US

PROPOSED AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend the application as set forth on the following pages:

IN THE CLAIMS:

Please amend the claims to read as follows:

1. (Currently Amended) A method of facilitating a loan origination comprising:

~~developing underwriting information relating to a potential loan, said underwriting information not constituting a loan approval;~~

~~providing at least one prospective lender access to at least part of the underwriting information corresponding to the loan;~~

~~providing the prospective lenders an opportunity in an auction to submit at least one bid; and~~

~~providing an opportunity for consideration of the bid.~~

receiving from potential borrowers applications for loans to be secured by properties,

creating a computer database for one or more potential loans, said database including underwriting information for said loans, said underwriting information not constituting a loan approval but including net cash flow information for the properties, property site inspection information and credit information pertaining to the borrowers,

providing a plurality of prospective lending entities access via a communication network to at least part of the underwriting information in said computer database,

enabling the plurality of prospective lending entities to bid via the communication network in an auction for said loans using the underwriting information they accessed,

informing borrowers or their representatives of at least one bid for their loans, and

closing the loans when bids are accepted by the borrowers or their representatives.

2. (Original) The method of claim 1, further comprising:

receiving a selection of one of a plurality of underwriting levels; and

developing underwriting information corresponding to the selected level of underwriting.

3. (Original) The method of claim 2 wherein the plurality of underwriting levels includes at least first, second and third underwriting levels.

4. (Cancelled)

5. (Original) The method of claim 1 wherein the underwriting information comprises at least one of an appraisal report, an environmental report and an engineering report.

6. (Original) The method of claim 1 further comprising the step of providing representations and warranties that specific procedures were followed in developing the underwriting information.

7. (Original) The method of claim 1 further comprising the steps of: receiving information in support of the potential loan; and tracking the information that is received.

8. (Original) The method of claim 7 wherein the information received is tracked electronically.

9. (Original) The method of claim 1 further comprising the step of receiving a loan request that includes financing preferences and/or requirements specified by an applicant making the loan request.

10. (Original) The method of claim 1 further comprising:

receiving from an applicant for the loan a designation of at least one lender whom the applicant does not want to be informed of applicant's request for the loan; and blocking said lender from access to information about applicant's request for the loan.

11. (Original) The method of claim 1 further comprising:

receiving from an applicant for the loan a designation of at least one lender to be notified of applicant's request for the loan; and

informing said lender of applicant's request for the loan.

12. (Original) The method of claim 1 further comprising receiving at least one inquiry relating to the loan request, the underwriting information, or a bid.

13. (Original) The method of claim 12 further comprising: storing the at least one inquiry; and

providing access to the at least one inquiry to the prospective lenders.

14. (Original) The method of claim 13 further comprising the step of screening information in an inquiry.

15. (Original) The method of claim 13 further comprising the step of screening information in an inquiry to minimize disclosure of an identity of a prospective lender who made a bid.

16. (Original) The method of claim 12 further comprising the step of storing at least one response to an inquiry.

17. (Original) The method of claim 16 further comprising the step of screening information in a response.

18. (Original) The method of claim 16 further comprising the step of screening information in a response to minimize disclosure of an identity of a prospective lender who made a bid.

19. (Original) The method of claim 16 further comprising the step of providing prospective lenders access to the stored response.

20. (Original) The method of claim 16 further comprising the step of providing access to the stored response to an applicant for the loan.

21. (Original) The method of claim 1 wherein the opportunity to submit at least one bid is for a predetermined period of time.

22. (Original) The method of claim 1 wherein the auction comprises a review phase and a bidding phase and no bid is accepted during the review phase.

23. (Original) The method of claim 22 further comprising providing a plurality of bidding periods during the bidding phase.

24. (Original) The method of claim 1 wherein the opportunity to submit at least one bid comprises providing a bidding period during which all bids received from the prospective lenders are not accessible to other prospective lenders.

25. (Original) The method of claim 1 further comprising providing a bid evaluation period during which the ability to submit, modify, or cancel bids is limited.

26. (Original) The method of claim 1 wherein the opportunity to submit at least one bid comprises providing an open bidding period during which all bids received from prospective lenders are accessible to the prospective lenders.

27. (Original) The method of claim 26 wherein an identity of each prospective lender who made the bid is not accessible to the prospective lenders.

28. (Original) The method of claim 1 wherein the ability to submit, modify or cancel bids is limited.

29. (Original) The method of claim 1 further comprising providing at least one lender who is contractually obligated to make a bid if no more than a predetermined number of bids is available for consideration.

30. (Original) The method of claim 1 wherein the bid sets forth terms for a commitment to make the potential loan.

31. (Original) The method of claim 1 wherein the bid is a multi-parameter bid.

32. (Original) The method of claim 1 further comprising the step of developing additional underwriting information after acceptance of the bid.

33. (Original) The method of claim 32 wherein the document is automatically generated.

34. (Original) The method of claim 1 further comprising the step of providing a document for memorializing the bid in a commitment between a borrower and the prospective lender that made the bid.

35. (Original) The method of claim 34 wherein the document is automatically generated.

36. (Original) The method of claim 1 further facilitating closing the loan using documents based on the same underlying form regardless of which lender's bid is accepted.

37. (Original) The method of claim 1 further comprising the step of receiving an underwriting review from at least one national statistical rating agency.

38. (Original) The method of claim 37 further comprising the step of providing at least one prospective lender access to at least part of the received underwriting information.

39.-73 (Cancelled)

74. (Currently amended) A software program embodied in a computer-readable medium for processing financing requests, the software program configuring a computer to:

receive from potential borrowers applications for loans to be secured by properties,

receive underwriting information relating to a potential loan potential loans;

store the underwriting information so that it is accessible to a plurality of prospective lenders;

receive in an auction at least one bid from at least one of the prospective lenders;

and

~~store the at least one bid so that it is accessible by a potential borrower or his representative so as to allow consideration of the at least one bid.~~

create a computer database for one or more potential loans, said database including underwriting information for said loans, said underwriting information for said loans, said underwriting information not constituting a loan approval but including net cash flow information for the properties, property site inspection information and credit information pertaining to the borrowers.

provide a plurality of prospective lending entities access to at least via a communication network to at least part of the underwriting information in said computer database.

enable the plurality of prospective lending entities to bid via the communication network in an auction for said loans using the underwriting information they accessed,

inform borrowers or their representatives of at least one bid for their loans, and

close the loans when bids are accepted by the borrowers or their representatives.

75. (Original) The software program of claim 74 configuring the server computer to: receive a selection of one of a plurality of underwriting levels; and

receive underwriting information corresponding to the selected level of underwriting.

76. (Original) The software program of claim 75 wherein the plurality of underwriting levels includes at least first, second and third underwriting levels.

77. (Cancelled)

78. (Original) The software program of claim 74 wherein the underwriting information comprises at least one of an appraisal report, an environmental report and an engineering report.

79. (Original) The software program of claim 74 configuring the server computer to: receive information in support of the potential loan; and

track the information that is received.

80. (Original) The software program of claim 79 wherein the information received is tracked

on-line.

81. (Original) The software program of claim 74 configuring the server computer to receive a loan request that includes financing preferences and/or requirements specified by an applicant making the loan request.

82. (Original) The software program of claim 74 configuring the server computer to: receive from an applicant for the loan a designation of at least one lender whom the applicant does not want to be informed of applicant's request for the loan; and block said lender from access to information about applicant's request for the loan.

83. (Original) The software program of claim 74 configuring the server computer to: receive from an applicant for the loan a designation of at least one lender to be notified of applicant's request for the loan; and inform said lender of applicant's request for the loan.

84. (Original) The software program of claim 74 configuring the server computer to receive at least one inquiry relating to the underwriting information.

85. (Original) The software program of claim 84 configuring the server computer to: store the at least one inquiry; and provide access to the at least one inquiry to the prospective lenders.

86. (Original) The software program of claim 84 configuring the server computer to screen information in an inquiry.

87. (Original) The software program of claim 84 configuring the server computer to screen information in an inquiry to minimize disclosure of an identity of a prospective lender who made a bid.

88. (Original) The software program of claim 84 configuring the server computer to store at least one response to an inquiry.

89. (Original) The software program of claim 88 configuring the server computer to screen information in a response.

90. (Original) The software program of claim 88 configuring the server computer to screen information in a response to minimize disclosure of an identity of a prospective lender who made a bid.

91. (Original) The software program of claim 88 configuring the server computer to provide prospective lenders access to the stored response.

92. (Original) The software program of claim 88 configuring the server computer to provide access to the stored response to an applicant for the loan.

93. (Original) The software program of claim 74 wherein the bid may be considered for a predetermined period of time.

94. (Original) The software program of claim 74 wherein the auction comprises a review phase and a bidding phase and no bid is accepted during the review phase.

95. (Original) The software program of claim 94 wherein the underwriting information is configured to provide a plurality of bidding periods during the bidding phase.

96. (Original) The software program of claim 74 configuring the server computer to provide a bidding period during which all bids received from the prospective lenders are not accessible to other prospective lenders.

97. (Original) The software program of claim 74 configuring the server computer to provide a bid evaluation period during which the ability to submit, modify, or cancel bids is limited.

98. (Original) The software program of claim 74 configuring the server computer to provide an open bidding period during which all bids received from prospective lenders are accessible to the prospective lenders.

99. (Original) The software program of claim 74 wherein an identity of each prospective lender who made the bid is not accessible to the prospective lenders.

100. (Original) The software program of claim 74 wherein the ability to submit, modify or cancel bids is limited.

101. (Original) The software program of claim 74 wherein the bid sets forth terms for the potential loan.

102. (Original) The software program of claim 74 wherein the bid is a multi-parameter bid.

103. (Original) The software program of claim 74 configuring the server computer to develop additional underwriting information after acceptance of the bid.

104. (Original) The software program of claim 74 configuring the server computer to provide a document for memorializing the bid in a commitment between a borrower and the prospective lender that made the bid.

105. (Original) The software program of claim 104 wherein the document is automatically generated.

106. (Original) The software program of claim 74 configuring the server computer to close the loan using documents having the same form regardless of which lender's bid is accepted.

107. (Original) The software program of claim 74 configuring the server computer to receive underwriting information from at least one national statistical rating agency.

108. (Original) The software program of claim 107 configuring the server computer to provide at least one prospective lender access to at least part of the received underwriting information.

109.-111. (Cancelled)